

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID M. MURRAY, )  
vs. )  
Petitioner/Defendant, ) CIVIL NO. 10-cv-099-MJR  
vs. ) CRIMINAL NO. 07-cr-30087  
UNITED STATES of AMERICA , )  
vs. )  
Respondent/Plaintiff. )

MEMORANDUM AND ORDER

**REAGAN, District Judge:**

This matter is before the Court on Petitioner David Murray's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence. Murray pleaded guilty to one count involving the manufacture and distribution of methamphetamine. On February 20, 2009, he was sentenced to 124 months imprisonment, five years supervised release, a fine of \$750, and a special assessment of \$100. No appeal was taken, and Murray later filed the instant motion.

Murray now asserts that his guilty plea was not knowing and voluntary, as he was addicted to drugs and was incoherent through most of the proceedings. He asserts that Counsel was ineffective, in that Counsel was aware of Murray's diminished capacity yet failed to properly advise him of all the consequences. Murray also asserts that Counsel was ineffective in failing to file an appeal or apprise him of his right to appeal. Finally, he claims that his conviction was obtained in violation of his rights under the Fifth Amendment.

The Court **ORDERS** the Government to file a response to Murray's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all

relevant portions of the record.

**IT IS SO ORDERED.**

**DATED this 27<sup>th</sup> day of July, 2010.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**